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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,946	12/09/2003	Jinquan Dai	42P16434	6757
James H. Salter 7590 05/27/2008 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025				
EXAMINER				
CHOU, ANDREW Y				
ART UNIT		PAPER NUMBER		
2192				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/731,946

**Applicant(s)**

DAI ET AL.

**Examiner**

ANDREW CHOU

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-26 are pending.

#### ***Response to Arguments***

2. Applicant's arguments filed 01/25/2008 have been fully considered but they are not persuasive.

In Applicant's Remarks, page 9, first paragraph, Applicant acknowledges that the prior art, Sehwa, does indeed disclose two approaches to scheduling, one forward and one backward. Furthermore, Applicant contends that Sehwa fails to disclose the limitations of claim 1 because there is no motivation for applying both forward and backward scheduling in the same algorithm. Applicant states that the claim limitation of claim 1 has claimed executing both a forward and a backward scheduling method.

However, Examiner respectfully disagrees with Applicant's interpretation of the claim language of claim 1. Claim 1, lines 5-8, discloses a method scheduling a sequence of instructions, comprising, "re-ordering the sequence of instructions by executing a backward scheduling method; and re-ordering the sequence of instructions by executing a forward scheduling method." There is no mention in the claim language of using both approaches in the same algorithm, as stated by Applicant. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by "SEHWA: A Program for Synthesis of Pipeline", Nohbyung Park and Alice Parker, 1986 (hereinafter Sehwa).

**Claims 1, 9, and 17:**

As per claims 1, 9, and 17, Sehwa teaches a system (see for example FIG. 2-1, and related text), machine readable medium, and a method version of scheduling a sequence of instructions, comprising: reading a target program (see for example page 454, "1.1 Pipelining", first paragraph, "in pipelining, each unit computation task is partitioned into a sequence of subtasks..."); identifying a pipeline control hazard in the sequence of instructions (see for example page 454, "1.1 Pipelining", paragraph 2, "...branch delays...resource conflicts also delays execution of the next computation task..."); selecting the sequence of instructions to re-order (see for example pages 456-457, "3. Scheduling Algorithms Used for Synthesis"); re-ordering the sequence of

instructions by executing a backward scheduling method (see for example page 457, "3.2 Scheduling priority", second paragraph).

**Claims 2, 10, and 20:**

As per claims 2, 10, and 20, Sehwa teaches the system, machine-readable medium, and method version as recited in claim 1, wherein the pipeline control hazard is a branch instruction (see for example page 454, "1.1 Pipelining", paragraph 2, "...branch delays...resource conflicts also delays execution of the next computation task...").

**Claims 3, 9, and 21:**

As per claims 3, 9, and 21, Sehwa teaches the system, machine-readable medium, and method version as recited in claim 1, further comprising: performing the backward scheduling method prior to performing the forward scheduling method (see for example page 457, "3.2 Scheduling priority", second paragraph). Claims 4, 10, and 22:

As per claims 4, 10, and 22, Sehwa teaches the system, machine-readable medium, and method version as recited in claim 1 wherein the forward scheduling method reorders at least one instruction within a delay slot (see for example page 457, "3.4 The feasible-scheduling algorithm", second paragraph).

**Claims 5, 11, and 23:**

As per claims 5, 11, and 23, Sehwa teaches the system, machine-readable medium, and method version as recited in claim 1, further comprising: evaluating the forward scheduling method for a schedule failure (see for example page 457, "3.3 The maximal-scheduling and nonpipeline-scheduling algorithms"); and using the backward scheduling method result when the forward schedule method encounters the schedule failure (see

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for example page 457, "3.3 The maximal- scheduling and nonpipeline-scheduling algorithms", second paragraph, "If any other schedule results in a more expensive implementation...").

**Claims 6, 12, and 24:**

As per claims 6, 12, and 24, Sehwa teaches the system, machine-readable medium, and method version as recited in claim 1, further comprising: packing the delay slot subsequent to executing the forward scheduling method (see for example Figure 2-1, "Overall operation of Sehwa").

**Claims 7, 13, and 25:**

As per claims 7, 13, and 25, Sehwa teaches the system, machine-readable medium, and method version as recited in claim 1 wherein the delay slot is a fixed length (see for example page 455, "2.2 Synthesis with a cost constraint", lines 1-4).

**Claims 8, 14, and 26:**

As per claims 8, 14, and 26, Sehwa teaches the system, machine-readable medium, and method version as recited in claim 1 wherein the delay slot is a variable length (see for example page 454, "1.1 Pipelining", paragraph 2, "...branch delays...resource conflicts also delays execution of the next computation task...").

**Claims 18:**

Sehwa teaches the system as claimed in 17, wherein the system is a computer system (see for example FIG. 2-1, and related text).

**Claims 19:**

Sehwa teaches the system as claimed in claim 17 further comprises as display device (see for example page 460, "7. Conclusion", second paragraph).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Andrew Chou/

Examiner, Art Unit 2192

/Tuan Q. Dam/

Supervisory Patent Examiner, Art Unit 2192